

COUNCIL OF EUROPE
ANTI-TORTURE COMMITTEE REPORT ON ALBANIA



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and Inhuman or Degrading Treatment or Punishment

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Press Release

Council of Europe anti-torture Committee publishes report on Albania

Strasbourg, 20.03.2012 – The Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) today published the report on its visit to Albania in May 2010, together with the response of the Albanian authorities.

The majority of the persons interviewed by the CPT delegation stated that they had been correctly treated by the police. However, a significant number of persons (including many juveniles) claimed that they had been subjected to ill-treatment (e.g. slaps, punches, kicks or truncheon blows) at the time of their apprehension or during questioning by police officers.

Material conditions of detention were poor in most of the police establishments visited (dilapidated cells, very limited or no access to natural light, dim artificial lighting and poor ventilation). In their response, the Albanian authorities indicate that various police detention facilities were being renovated or completely reconstructed.

In prisons, staff-prisoner relations appeared on the whole to be quite relaxed and inter-prisoner violence did not seem to be a major problem. At Korca Prison, Tirana Prison No. 313 and the Durres Pre-Trial Detention Centre, some prisoners claimed that they had been ill-treated by members of the establishments' special intervention groups.

Conditions were appalling at the Kukes Pre-Trial Detention Centre (damp and filthy cells in a poor state of repair, with limited access to natural light and inadequately ventilated). Some units at Prison No. 313 in Tirana were severely overcrowded. In their response, the authorities said that a new pre-trial detention centre in Kukes and a new remand prison in Tirana would soon be built. Material conditions in many cells at Burrel Prison and at the Shkodra Psychiatric Hospital were also generally poor.

In contrast, the CPT found satisfactory material conditions of juveniles at the newly-constructed Kavaja Juvenile Reintegration Centre and at the recently opened Fushe Kruja and Korca Prisons, the Durres Pre-Trial Detention Centre and the Supported Homes for psychiatric patients in Elbasan and Shkodra.

At the Prison Hospital in Tirana conditions have clearly improved. However, the CPT expressed concern about the use of metal chains to restrain suicidal or agitated patients to their beds. In their response, the Albanian authorities state that in future leather belts would be used.

The CPT's visit report and the response of the Albanian Government, which has requested their publication, are available in English on: www.cpt.coe.int



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Press Release

Council of Europe anti-torture Committee visits Albania to monitor the treatment of persons detained during recent disturbances in Tirana

Strasbourg, 04.02.2011 - A delegation of the Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) has just completed a three-day ad hoc visit to Albania. The main objective of the visit, which began on 30 January 2011, was to examine the treatment of persons who had been taken into custody in the context of disturbances that had occurred on 21 January 2011 in Tirana. For this purpose, the delegation interviewed in private virtually all the persons still in detention (some 35 in total) and examined relevant records at Tirana Prisons Nos. 302 and 313 and at several police establishments in Tirana (Police Directorate General, Police Stations Nos. 1 and 2).

In the course of the visit, the delegation held consultations with Lulzim Basha, Minister of the Interior, and Hysni Burgaj, Director General of the State Police, as well as with Ina Rama, Prosecutor General of Albania. In addition, it met representatives of the Office of the People's Advocate (in their capacity as National Preventive Mechanism under the Optional Protocol to the United Nations Convention against Torture) and Dr. Besim Ymaj, Director of the National Institute of Forensic Medicine.

The CPT delegation was composed of Lətif Hüseynov (Azerbaijani), Head of Delegation, and Marija Definis-Gojanović (Croatian), and supported by Michael Neurauter, Head of Division, of the CPT's Secretariat.

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Copy of the letter transmitting the CPT's report

Ms Margarita Gega
Ambassador Extraordinary and Plenipotentiary
Permanent Representative of Albania
to the Council of Europe
2, rue Waldteufel
67000 Strasbourg

Strasbourg, 14 December 2010

Dear Ambassador,

In pursuance of Article 10, paragraph 1, of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, I enclose herewith the report to the Government of Albania drawn up by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) following its visit to Albania from 10 to 21 May 2010. The report was adopted by the CPT at its 73rd meeting, held from 8 to 12 November 2010.

The various recommendations, comments and requests for information formulated by the CPT are listed in Appendix I. As regards more particularly the CPT's recommendations, having regard to Article 10 of the Convention, the Committee requests the Albanian authorities to provide **within six months** a response giving a full account of action taken to implement them.

The CPT trusts that it will also be possible for the Albanian authorities to provide, in their response, reactions to the comments formulated in this report as well as replies to the requests for information made.

The Committee would ask, in the event of the response being forwarded in Albanian, that it be accompanied by an English or French translation. It would also be most helpful if the Albanian authorities could provide a copy of the response in a computer-readable form.

I am at your entire disposal if you have any questions concerning either the CPT's report or the future procedure.

Yours sincerely,

Mauro PALMA
President of the European Committee for
the Prevention of Torture and Inhuman
or Degrading Treatment or Punishment

2. Ill-treatment

44. No allegations of recent deliberate physical ill-treatment were received in most of the establishments visited. Overall, staff-prisoner relations appeared to be reasonably relaxed and, in each of the establishments, the majority of the prisoners interviewed gave a positive assessment of their treatment by staff. Further, inter-prisoner violence did not appear to be a major problem in any of the establishments visited.

45. That said, at Korca Prison and Prison No. 313, as well as at Durres Pre-Trial Detention Centre, the delegation did receive some allegations of physical ill-treatment (slaps, kicks, truncheon blows) by members of the establishments' special intervention groups, mostly in connection with transfers to disciplinary cells. At Korca, the delegation also heard some allegations from juveniles held in admission cells who claimed that they had been punched by prison officers when they had repeatedly asked to be allowed to go to the toilet.

At the end-of-visit talks with the Albanian authorities, the delegation expressed its concern regarding these allegations. By letter of 17 August 2010, the Albanian authorities informed the CPT that inquiries would be carried out in the course of September 2010 in the above-mentioned establishments in order to investigate those allegations, and further indicated that "[...] for all identified cases of ill-treatment by special intervention groups disciplinary measures will be taken towards persons responsible".

The CPT regrets the fact that the Albanian authorities have failed to take prompt action to ensure that the above-mentioned allegations are effectively investigated. Further, it should be emphasised that when there is an identified case of ill-treatment, criminal proceedings should be initiated immediately, followed by the imposition of a suitable penalty. **The Committee would like to receive the Albanian authorities' comments on these issues.**

46. To sum up, the findings of the 2010 visit indicate that, although ill-treatment by staff is not a widespread phenomenon in the prison system, there is a need for constant vigilance in this regard. **The CPT recommends that the management in Prison No. 313 and Korca Prison as well as at Durres Pre-Trial Detention Centre regularly remind their staff that all forms of ill-treatment of prisoners are not acceptable and will be the subject of severe sanctions.**

Further, in the course of prison staff training, particular emphasis should be placed on the acquisition and development of inter-personal communication skills, as well as on the handling of problematic situations without applying unnecessary force.

As regards more particularly special intervention groups, consideration should be given to using secure video recording for all planned interventions by members of such groups. It is also important that officers in such groups display prominent means of identification at all times when in contact with prisoners.

50. At *Prison No. 313* in Tirana, the delegation was pleased to observe an improvement as regards the level of general maintenance and hygiene in the units for male adults. Despite the old and defective infrastructure of the building, efforts were being made by the prison management to bring conditions of detention in these units to an acceptable standard. Clearly, a significant reduction in the prisoner population (see paragraph 40) and a recent increase in the allocated funds have contributed positively to this task.

That said, the delegation once again came across examples of overcrowded cells (e.g. four persons in a cell measuring 9 m²). Further, the structural deficiencies observed during previous visits (e.g. limited access to natural light, poor ventilation, lack of call bells) remained uncorrected.

Further, it was obvious that no maintenance work had been carried out in the unit for female prisoners since the CPT's previous visit in 2008; this had resulted in a deterioration of the material [20] conditions .

As already indicated, the Albanian authorities were planning to construct a new remand prison in Tirana in the near future, which should then allow Prison No. 313 to be closed down. **The CPT would like to receive detailed information on the implementation of this plan.**

For as long as Prison No. 313 remains in service, efforts should be pursued in order that the national standard of at least 4 m² of living space per prisoner is respected in all cells. Further, steps should be taken to improve the state of repair in the unit for female prisoners.

53. With the notable exception of Kukes Pre-Trial Detention Centre, outdoor exercise yards in the establishments visited had neither a means of rest nor any shelter from inclement weather. **Steps should be taken to remedy this shortcoming.**

54. The CPT welcomes the fact that the official standards as regards food in the prison system have been improved in recent years. However, in almost all the establishments visited, prisoners complained that the food provided to them was monotonous, and lacking vegetables and fruit. The delegation itself observed that the daily menu provided to prisoners was repeated every second day, and only occasionally included fresh fruit. **Steps should be taken to review the provision of food to prisoners, in the light of the above remarks.**

55. In all the establishments visited, prisoners received very few personal hygiene products (toilet paper and soap). Further, prisoners complained that no cleaning materials were provided to them. **Steps should be taken to ensure that all prisoners are regularly provided with adequate quantities of essential personal hygiene products (including toothpaste, toothbrush, shampoo, etc.) as well as sufficient materials to clean their cells.**

Regrettably, the regime of juvenile remand prisoners at Prison No. 313 had clearly deteriorated since the [29]

2008 visit . With the exception of twice-weekly drawing classes organised by an NGO, educational activities were no longer offered to male juveniles. As a result, they spent most of the day loitering around in the unit corridors, watching television and playing board games in their cells. On a positive note, they had access to the outdoor exercise yard in the afternoons where they could also play football. As regards the only female juvenile, she was offered no educational activities whatsoever.

66. The CPT wishes to stress that juveniles have a particular need for physical activity and intellectual stimulation. Regardless of their period of detention, they should be offered a full programme of education, sport, vocational training, recreation and other purposeful activities. Physical education should constitute an important part of that programme.

The CPT recommends that steps be taken at Korea Prison, Prison No. 313 and, where appropriate, in other prisons, to ensure that juvenile remand prisoners (both male and female) are provided with a wider range of organised activities, in the light of the above remarks.

As regards health-care staff, the number of general practitioners and nurses was on the whole satisfactory [30] in most of the establishments visited (as regards Burrel Prison, see paragraph 79).

However, it is a matter of concern that, despite the specific recommendation repeatedly made by [31]

the Committee , nursing staff levels have not been increased at Prison No. 313. The CPT considers that the complement of four nurses is clearly insufficient for a remand establishment the size of Prison No. 313, notwithstanding the recent decrease in the prisoner population. **The CPT therefore calls upon the Albanian authorities to increase nursing staff levels at Prison No. 313.**

70. In all the establishments visited, the health-care facilities were of a poor quality. Medical equipment was basically limited to stethoscopes and blood pressure meters; there was also no equipment for taking blood samples and, as a result, prisoners had to be taken to an outside hospital for simple diagnostic tests. At Kukes, the medical unit was not even equipped with a washbasin and an examination table (see also paragraph 79 as regards Burrel Prison). **The CPT recommends that steps be taken to remedy the above-mentioned deficiencies.**

71. The supply of medication was inadequate in most of the establishments visited. As a result, prisoners had to rely on their families for the supply of certain medication. The delegation raised this matter with the relevant authorities during the end-of-visit talks in Tirana.

By letter of 17 August 2010, the Albanian authorities informed the CPT that “[t]he issue of insufficient supply of medication was solved in July 2010. By now all institutions are supplied with the necessary medications.” The Committee welcomes this development; **it would like to receive a list of medicines which are now routinely supplied to all prison establishments.**

104. At Prison No. 313, prisoners placed in disciplinary cells were still not being offered outdoor exercise, despite repeated assurances given by the Albanian authorities in their responses to previous visit [45]

reports . A similar situation was found at Durrës Pre-Trial Detention Centre. Further, access to the toilet was problematic for such prisoners at Prison No. 313: they were usually allowed to go to the toilet only three times a day. For the rest of the time, they had to use a bucket in their cells.

The CPT calls upon the Albanian authorities to ensure that all prisoners subject to the sanction of placement in a disciplinary cell are offered at least one hour of outdoor exercise every day. Further, steps should be taken at Prison No. 313 to ensure that prisoners held in a disciplinary cell enjoy ready access to a proper toilet facility at all times.